TN RE: PETITION FOR MONING VARIANCE

5/8 Riverside Road, 75' E and
opposite Maple Avenue
(105-10/ Riverside Road)
15th Election District
5/th Councilmanic District
Victor F. Reynolds, et ux
Fetitioners

* BEFORE THE

DEPUTY MONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 92-175-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 415.A.l of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit three recreational vehicles to be stored in the front yard of the subject property in lieu of the one permitted vehicle in the rear yard or the side yard, 8 feet behind the front foundation line of a dwelling, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 105 and 107 Riverside Road, consists of 0.366 acres more or less zoned D.R. 5.5 and is improved with a single family dwelling and garage. Petitioner testified that he and his son store a 19-foot boat, a 14-foot boat and a 19-foot camper on the property in the locations shown on Petitioner's Exhibit 1. Testimony indicated that as a result of a complaint filed against him, the Petitioners were advised to file the instant Petition for permission to keep the recreational vehicles on their property. Petitioner testified that he has lived on the property for 55 years and that all three recreational vehicles have been stored on the property for the past two years with no prior complaint. He testified that due to the configuration of the lot and the location of existing improvements and large trees thereon, there is no other suitable location in which to store the vehi-

voiced no objections to Petitioner storing the three vehicles on his property in the locations shown on Petitioner's Exhibit 1.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

 whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Order day of November, 1991 that the Petition for Zoning Variance from Section 415.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit three recreational vehicles to be stored in the

- 2-

front yard of the subject property in lieu of the one permitted vehicle in the rear yard or the side yard, 8 feet behind the front foundation line of a dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is limited to three recreational vehicles which shall always be stored in the locations shown on Petitioner's Exhibit 1. In the event Petitioners sell or dispose of any of the recreational vehicles and Petitioners fail to replace that vehicle with a new or different recreational vehicle within one year of said sale or disposal, the variance granted for that particular vehicle shall terminate.

3) The relief granted herein is further limited to the current property owners. In the event of the sale, lease or transfer of the property to anyone other than Petitioners' son, the relief granted herein shall terminate.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

- 3--

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Zoning Commissioner
Office of Planning and Zoning

Baltimore County Government

November 27, 1991

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Mr. Victor Reynolds 105-107 Riverside Road Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
S/S Riverside Road, 75' E and opposite of Maple Avenue
(105-107 Riverside Road)
15th Election District - 5th Councilmanic District
Victor F. Reynolds, et ux - Petitioners
Case No. 92-175-A

Dear Mr. Reynolds:

TMK:bis

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Luth Kotroco

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

.

cc: People's Counsel

Petition for Variance

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 4/5 A. I. To allow 3 Recreational Tehloles to be Stored in Front yard In Irou of I Vehicles In The reappyard or 5'10 E Yard 8 H. he hind The Front

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Live here with my son his wife of Complex trajely and returned on Solve own a 19 house thought to 19 complex trajely and returned on selections have here over sources the property of the straight who lives miles from me in a 15 1×50 front yard some title straight who lives miles from me has Coursel me this problem. There we have the Zoning Regulations

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

1/We do solemnly declare and affirm,

ORDER RECEIVED FOR FILING	ESTIMATED LENGTH OF HEARING -1/2HR. (+1)
	OFFICE USE ONLY
Attorney's Telephone No.:	Address Phone No.
City and State	Name
Address	Name, address and phone number of tegal owner, con- tract purchaser or representative to be contacted
Signature	City and State
(Type or Print Name)	Batt MD.
Attorney for Pelitioner:	105 Riveraide R. 381.2252
City and State	Signature
Address	Victor I Depuldo
Signature	VICTOR FREUNOLDS
	Victor & Lyndels
(Type or Print Name)	VICTOR F. REYNOlds
Contract Purchaser/Lessee:	Legal Owner(s):
	under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Zoning Description

Beginning at a point on the south side of Riverside Dr. 50 pt. wide, 75 pt. east of and opposite the centerline of Poplar Rd. thence running south 200 ft. thence east 92.5 ft. thence north 100 ft thence east 42.5 ft. thence south 100 ft. thence east 50 ft. to the point of beginning. Also known as 105-07 Riverside Dr. and Iccated in the 15th Election pistact of Baltimore County.

92-175-A

CERTIFICATE OF POSTING
CONING DEPARTMENT OF BALTIMORE COUNT
Towns Mandard

92-175-4

1376	Date of Posting 19/5/81
District 577 Posted for: Variance	
Posted for:	
Posted for: Petitioner: Vic Tox Ley 7	10/35
Location of property: 45 River do	D. W. F. Maple Hill
105-07 Riverside Re	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Ad: prox: 20' Fr 100 July
Dr. J. 20 forty of California	row.
On the state of th	·
Remarks:	2/ / \$16/
Posted by Milesten	Date of return: 11/8/9/
Number of Signs:	

CERTIFICATE OF PUBLICATION

the Jeffersonian

5. Zefe Olman Publisher

\$37.52

CERTIFICATE OF PUBLICATION Office of

THE AVENUE NEWS

442 Eastern Bivd. October 31, 19 91

Balto.. MD. 21221

THIS IS TO CERTIFY, that the annexed advertisement of Victor F Reynolds in the matter of Zoning Hearing of 105-07 Riverside Rd. Case #92-175-AP.O. # 0116139, Req #M49780. 52.5 lines @.60

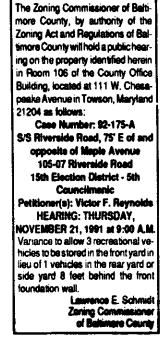
was inserted in The Avenue News a weekly newspaper published in

Baltimore County, Maryland once a week for 1 successive week(s) before the 1 day of November 19 91; that is to say, the same was inserted in the issues of October 31 19 91.

The Avenue Inc.

per publish

By Rusia & Coldwell



NOTICE OF HEARING

Account: R-001-6150

and the state of t The state of the s $au_{i} (t_{i}, t_{i}, \dots, t_{i}) = \pm 3^{n} (1.00)$ programme and the contraction of the second

> 04A04#0128MICHRC FA CO12:47FM10-11-91
> Please Make Checks Payable To: Baltimore County

Paltimere County Zoning Commisioner County Office Building of West Chesapeake Avenue Yewson, Maryland 21204

्राम्य स्थापना स्थापन A TOMAS CONTRACTOR Please Make Checks Payelile To: Baltimore County

Zoning Plans Advisory Committe Coments Date:November 6, 1991 Page 2

> 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is event that the pertion has not been fired coffectly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Zoning Plans Advisory Committee

JED:jw Enclosures

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120 i

DATE: 11-6 71

Victor F. Reynolds 105 Riverside Road Baltimore, Maryland 21221

JASE NUMBER: 92-175-A S/S Riverside Road, 75' E of and oppostie of Maple Avenue 105-07 Riverside Road 15th Election District - 5th Councilmanic Petitioner(s): Victor F. Reynolds HEARING: THURSDAY, NOVEMBER 21, 1991 at 9:00 a.m.

Dear Petitioner(s):

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

> Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

887-3353

Your petition has been received and accepted for filing this 11th day of October, 1991.

Petitioner: Victor F. Reynolds Petitioner's Attorney:

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+



887 3353

October 22, 1991

NOTICE OF HEARING

The Zoning Commissioner of Raltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-175-A S/S Riverside Road, 75' E of and oppostie of Maple Avenue 105-07 Riverside Road 15th Election District - 5th Councilmanic Petitioner(s): Victor F. Reymolds HEARING: THURSDAY, NOVEMBER 21, 1991 at 9:00 a.m.

Variance to allow 3 recreational vehicles to be stored in the front yard in lieu of 1 vehicle in the rear yard or side yard 8 feet behind the front foundation wall.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: October 29, 1991

Zoning Administration and

Pat Keller, Deputy Director Office of Planning and Zoning

Flamm Property, Item No. 167

Guercio Property, Item No. 168

Ferenc Property, Item No. 169

Yan Property, Item No. 186

Wasilewski Property, Item No. 170

Charvat Property, Item No. 187
Reynolds Property, Item No. 188
Freund Property, Item No. 189

Mahaffey Property, Item No. 173
Miller & Hatfield Property, Item No. 179

In reference to the petitioners' requests, the staff offers

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Development Management

SUBJECT: Parkwood Cemetery, Item No. 184

no comments.

PK/JL/rdn

ITEM184/TXTROZ

Zoning Commissioner of Baltimore County

cc: Victor f. Reynolds

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

Mr. Victor F. Reynolds

105 Riverside Road

Baltimore, MD 21221

887-3353

November 6, 1991

Petition for Variance

RE: Item No. 188, Case No. 92-175-A Petitioner: Victor F. Reynolds

Dear Mr. Reynold:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

> BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

> > DATE: November 6, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 22, 1991

This office has no comments for item numbers 124, 166, 167, 168, 169, 173, 174, 175, 176, 179, 180, 181, 182, 184, 186, 187, 188 and 189.

RJF/lvd

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

OCTOPER 24, 1993

(301) 887-4500

Aincld Jablen
Director
Toring Administration and
Development Panagement
Baltimore County Office Duilding
Tewson, FF 21204

FF: Property Owner: VICTOR F. FEYECURS

#105-07 EIVERSIDE ECAD

Then Your 188 Feeling Agenda: CCTCTH 99, 1991

catlemer:

Trirucit to your request, the referenced property less been curveyed by this Durenu and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESEONDENCE

TO: Arnold Jablon, Director DATE: October 29, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, F.E.

RE: Zaning Advisory Committee Meeting for October 22, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 124, 167, 168, 169, 170, 173, 176, 178, 179, 180, 184, 186, 187, 188 and 189.

In addition, we have no comments at this time for Item #438 (Case No. 91-466).

For Item 166, we will have no comments until the County Review Group Meeting.

For Item 171, see our County Review Group comments dated October 10, 1991.

For Items 174 and 175, minor subdivision review comments were prepared for this site, dated October 9, 1990. Item 181 represents a minor subdivision, which should be processed through the minor subdivision procedures.

For Item 182, no comments are necessary on density transfer.

BOWLING, F.E., Chief

Developers Engineering Division

RWB:6

Plat to accompany Petition for Zoning Variance Special Hearing PROPERTY ADDRESS: (AS-147) RIVERSING RIV Subdivision name: BACKRIVEL HICHLANGE plat book#/891 ,folio# 529,lot#______,section#______ OWNER: VICTOR F. REVIOLDS PuplarRo RIVERSIDE RO Vicinity Map scale: 1°=1000° LOCATION INFORMATION Councilmanic District: 7 Election District: /5 1'=200' scale map#: NE, 2 - G Zoning: DR-5-5-Lot size: 0.346 15,955 acreage square feet RIVERSIDERIL SEWER: 🛛 🗌 WATER: 🔀 🗌 Chesapeake Bay Critical Area: Prior Zoning Hearings: NoNE Zoning Office USE ONLY! Scale of Drawing: 1'=50

92-175-A



View from Riverside Road

